

Remarks

Claims 1-63 are pending. Claims 10, 53-61 and 63 are amended to more particularly point out and distinctly claim Applicants' invention.

The Examiner objected to Claim 10 for a typographical error. Claim 10 has been amended to correct the typographical error.

The Examiner rejected Claims 53-63 under 35 U.S.C. § 101. As amended, Claims 53-63 are now believed to fully comply with 35 U.S.C. § 101.

The Examiner rejected Claims 1-11, 13-14, 28-33, 49-52, 55 and 55 and 63 under 35 U.S.C. § 102(b) as being anticipated by the article "Fast Inter-AP Handoff using Predictive Authentication Scheme in a Public Wireless Network." ("Choi"). With respect to Claim 1, the Examiner states:

C1. A method for handoff in a wireless communication network, comprising:

Generating a handoff encryption key [Page 1, Introduction, line 11-14] handing off a wireless terminal from a first access point to a second access point [Page 1, Introduction, Lines 11-14]; and communicating data packets encrypted with the handoff encryption key, between the second access point and the wireless terminal for immediate secured data transmission before authentication of the wireless terminal is completed [Page 1, Introduction, Lines 11-14].

Applicants respectfully traverse the Examiner's rejection. As the Examiner noted, Claim 1 recites a method by which secured data communication is carried out immediately upon handoff and before authentication is complete:

1. A method for handoff in a wireless communication network, comprising:

generating a handoff encryption key;

handing off a wireless terminal from a first access point to a second access point; and

communicating data packets encrypted with the handoff encryption key, between the second access point and the wireless terminal for immediate secured data transmission before authentication of the wireless terminal is completed.

As explained in Applicants' Specification, at page 15, paragraphs [0060]-[0061], the above-underscored limitations allows data communication during the handoff without perceivable interruption. "...Immediate secured data transmission before authentication of the wireless terminal is completed, ..." is, however, neither disclosed nor suggested by Choi's Introduction section, lines 11-14, on which the Examiner's relied for his rejection:

Generally, since user authentication should be performed at each AP, when a mobile host (MH) moves into the area covered by a new AP, it should perform a new user authentication procedure and receive a new Wired Equivalent Privacy (WEP) key, which encrypts the transmitted data in the wireless link.

Therefore, contrary to the Examiner's contention, Choi merely discloses authentication and encrypted communications are performed at an access point. Choi does not teach that data communication occurs concurrently with authentication. Accordingly, Claim 1, and its dependent Claims 2-11 and 13-14, are allowable over Choi. Similarly, independent Claims 28, 49, 55 and 63, which each also recite secured data communication using a handoff encryption key occurs before completion of authentication, and their respective dependent Claims 29-33 and 50-52, are each allowable over Choi. Accordingly, reconsideration and allowance of Claims 1-11, 13-14, 28-33, 49-52, 55 and 63 are requested.

The Examiner rejected Claim 12, 15-27, 34-48, 53-54 and 56-62 under 35 U.S.C. § 103(a) as being unpatentable over Choi. As each of these claims depend from independent Claims 1, 28, 49 and 55, each of these claims are patentable over Choi for the reasons already

stated above with respect to Claims 1, 28, 49 and 55. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 12, 15-27, 34-48, 53-54 and 56-62.

The Examiner provisionally rejected Claims 1-63 under the doctrine of non-statutory obviousness-type double patenting over Claims 1-25 of U.S. patent application, serial no. 10/290,650. However, as allowable subject matter has been indicated in neither this application nor the copending '650 application. Accordingly, the Examiner's rejection of Claims 1-63 is premature. Applicants will address substantively the Examiner's double-patenting rejection when the Examiner indicates allowable subject matter in this application when the Examiner indicates that the claims in this application or the copending application are allowable.

Therefore, for the reasons set forth above, all pending claims (i.e., Claims 1-63) are allowable over the art of record. If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant at 408-392-9250.

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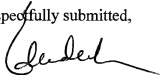


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